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NVIDIA CORPORATION

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 The NVIDIA GPU LITIGATION  
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17 This Document Relates to:  
ALL ACTIONS  
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Case No. C 08-04312 JW

NVIDIA CORPORATION'S RESPONSE  
TO "EMERGENCY MOTION TO  
SHORTEN TIME" (DOCKET NO. 343)

Judge: Hon. James Ware

1 NVIDIA Corporation (“NVIDIA”) files this response to the “Emergency Motion to  
 2 Shorten Time” filed on February 23, 2011 by Theodore H. Frank on behalf of five class members  
 3 covered by the settlement approved by the Court in the judgment entered in this (now closed)  
 4 action on December 20 of last year.

5 NVIDIA and Court-appointed Lead Counsel for the Class devoted substantial attention to  
 6 the matters raised in Mr. Frank’s motion (which concern assertions of dissatisfaction by a tiny  
 7 minority of class members with the settlement consideration), which have been fully addressed.  
 8 Mr. Frank was not authorized to represent to the Court that NVIDIA does not oppose his motion,  
 9 and NVIDIA does not believe that there is any issue that warrants the Court’s attention at this  
 10 time. Moreover, there is a substantial question whether the Court has jurisdiction to address this  
 11 issue because several Class Members filed notices of appeal from this Court’s December 20, 2010  
 12 Order approving the settlement (Docket Nos. 326, 327 and 328).<sup>1</sup> Nevertheless, NVIDIA is  
 13 happy to provide any information that the Court might desire on a schedule convenient to the  
 14 Court, including on shortened time.

15 Date: February 24, 2011

Respectfully submitted:

16 ORRICK HERRINGTON & SUTCLIFFE LLP

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 19 /s/ Robert P. Varian

By: Robert P. Varian  
 Counsel for NVIDIA Corporation

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 26 <sup>1</sup> See *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (“the filing of a notice of appeal is  
 27 an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of  
 28 its control over those aspects of the case involved in the appeal”); *Universal Trading and Inv. Co. v. Kiritchenko*,  
 2008 WL 114929, at \*3-4 (N.D. Cal. Jan. 10, 2008) (district court lacked jurisdiction over administrative motions  
 where relief sought related to aspects of the case involved in the appeal).